

410 Rec'd PCT/PTO 14 SEP 2001

FORM PTO-1390 (Modified)  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

PF95PCTSEQ/dln

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

**09/936677**

INTERNATIONAL APPLICATION NO.  
**PCT/FR00/00623**

INTERNATIONAL FILING DATE  
**15 MAR 2000 (12.03.00)**

PRIORITY DATE CLAIMED  
**15 MAR 1999 (15.03.99)**

TITLE OF INVENTION

**IMMUNOSTIMULANT BACTERIAL MEMBRANE FRACTIONS IN CANCER TREATMENT**

APPLICANT(S) FOR DO/EO/US

**Christine LIBON, Nathalie CORVAIA, Alain BECK, Jean-Yves BONNEFOY**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☒ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 13 to 20 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

Sequence listing paper copy  
Sequence listing disk copy  
Statement by Attorney under 37 CFR §1.821(f)

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21. The following fees are submitted:

CALCULATIONS PTO USE ONLY

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :**

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1,000.00
- ☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =****\$860.00**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

**\$0.00**

| CLAIMS   | NUMBER FILED | NUMBER EXTRA | RATE                     |
|--|--------------|--------------|--------------------------|
| Total claims                                     | 33 - 20 =    | 13           | x \$18.00                |
| Independent claims                               | 1 - 3 =      | 0            | x \$80.00                |
| Multiple Dependent Claims (check if applicable). |              |              | <input type="checkbox"/> |

**\$234.00****\$0.00****\$0.00****TOTAL OF ABOVE CALCULATIONS =****\$1,094.00**

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).

☐**\$0.00****SUBTOTAL =****\$1,094.00**

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

+

**\$0.00****TOTAL NATIONAL FEE =****\$1,094.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

☐**\$0.00****TOTAL FEES ENCLOSED =****\$1,094.00**

Amount to be:  
refunded  
charged

\$

\$

- ☒ A check in the amount of **1,094** to cover the above fees is enclosed.
- ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **8-3220** A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

G. Patrick Sage  
THE FIRM OF HUESCHEN AND SAGE  
500 Columbia Plaza  
350 East Michigan Ave.  
Kalamazoo MI, 49007

SIGNATURE

G. Patrick Sage

NAME

37,710

REGISTRATION NUMBER

September 14, 2001

DATE

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\* \* \* \* \*

Applicant : Christine LIBON, et al.  
Title : IMMUNOSTIMULANT BACTERIAL MEMBRANE FRAC-  
TIONS IN CANCER TREATMENT

\* \* \* \* \*

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

STATEMENT UNDER 37 CFR 1.821(f)

The undersigned attorney does hereby state that, to the best of his knowledge and understanding, the accompanying Sequence Listing in computer readable form is the same as the accompanying Sequence Listing in paper copy form.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: G. PATRICK SAGE  
G. PATRICK SAGE, #37,710

Dated: September 14, 2001  
Customer No: 25,666  
500 Columbia Plaza  
350 East Michigan Avenue  
Kalamazoo, MI 49007  
616-382-0030

Enclosure: Sequence Listing in diskette form and paper form

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Applicant : Christine Libon, et al.  
Title : IMMUNOSTIMULANT BACTERIAL MEMBRANE FRACTIONS IN CANCER  
TREATMENT

CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)

Express Mail No.: EL789474975US Date of Deposit: September 14, 2001

I hereby certify that this National phase application English Translation, Declaration/Power of Attorney, Search Report, Sequence Listing - paper and diskette, 37 CFR 1.821(f) Statement, English translation of International Preliminary Examination Report, Claims amendments, post card receipt, and check for \$1094 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee Service" under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Diane L. Newton*  
Diane L. Newton

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. :

U.S. National Serial No. :

Filed :

PCT International Application No. : PCT/FR00/00623

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the French language in which the below identified international application was filed, and that, to the best of my knowledge and belief, the English translation of the amended sheets of the international application No. PCT/FR00/00623 is a true and complete translation of the amended sheets of the above identified international application as filed.

I hereby declare that all the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application issued thereon.

Date: July 16, 2001

Full name of the translator :

  
Elaine Patricia PARRISH

For and on behalf of RWS Group plc

Post Office Address :

Europa House, Marsham Way,  
Gerrards Cross, Buckinghamshire,  
England.